IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5941 of 1992

with

SPECIAL CIVIL APPLICATION No 5974 of 1992

with

SPECIAL CIVIL APPLICATION No 6183 of 1992

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT MINERAL DEVELOPMENT CORPN. LTD.

Versus

DEPUTY CHIEF LABOUR COMMI.

Appearance:

1. Special Civil Application No. 5941 of 1992
   MR KM PATEL for Petitioner No. 1
   SERVED BY RPAD - (R) for Respondent No. 1
   RULE SERVED for Respondent No. 2,4-5
   MR AK CLERK for Respondent No. 3
   RULE NOT RECD BACK for Respondent No. 6-7
2. Special Civil Application No. 5974 of 1992
   MR KM PATEL for Petitioner No. 1
   RULE NOT RECD BACK for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 10/08/2004

ORAL JUDGEMENT

1.0 The petitioner Corporation has challenged the order dated 26/03/1992 passed by the Office of the Chief Labour Commissioner (Central), New Delhi, at Annexure `B' to the petition.

2.0 Mr.K M Patel learned advocate for the petitioner has stated that in order to introduce uniformity in the conditions of service of the workmen at different projects and at different plants, except at the Head Office, the Corporation proposes to make appropriate application to the concerned Certifying Officers for substitution of the Standing Orders by way of modification / amendment of the existing Standing Orders. As far as the items governed by the settlements with the Unions are concerned, the workmen will be governed by the said settlements and will be continued to be governed by those settlements, in view of the judgment of the Division Bench of this Court in the case of G.M.D.C. Employees Union v. G.M.D.C. Limited reported in 2000 (2) G.L.H. 523.

3.0 I have heard Mr.K M Patel learned advocate for the petitioner. In view of the aforesaid statement, Mr.Patel for the petitioner does not press this petition. It is clarified that till the above application is not decided, the settlement between the parties will be governed by the terms and conditions of the settlement, in view of the Division Bench decision of this Court. The other issues which are not covered by the aforesaid decision of this Court and the settlements, and if the Certifying Officer has decided the same, then the parties will abide by the order of the Certifying Officer. With the aforesaid observations and directions and with a liberty to apply afresh before the Certifying Officer for modifications, these petitions stand disposed of as not pressed.

4.0 Subject to the above observations and directions, Rule is discharged with no order as to costs.

(K. S. Jhaveri, J.)

pravin/